CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
October 19, 2016

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, October 19, 2016 at 9:03 A.M. with Chairman Sheth presiding. Members present were Chairman Sheth, Mr. Hufnal, Mr. Keller and Colonel Ericson. Mr. Senato was absent.

Staff members present were Mrs. Townshend, Mrs. Purnell, Mr. Diaz, Mr. Cook and City Solicitor Nick Rodriguez.

APPROVAL OF AGENDA

Mr. Hufnal moved to approve the agenda as submitted. The motion was seconded by Mr. Keller and unanimously carried 4-0. Mr. Senato was absent.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF SEPTEMBER 21, 2016

Mr. Keller moved to approve the meeting minutes of September 21, 2016 with the necessary corrections, seconded by Mr. Hufnal and unanimously carried 4-0. Mr. Senato was absent.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATION

Mrs. Townshend, Director of Planning and Community Development stated that the meeting today will be conducted in accordance with the agenda. There are three (3) agenda items: One (1) deferred item under Old Business, and one (1) new item under New Business. The application file will be read, and the floor will be opened for questions of the applicant by the Board and for public testimony. If the Board needs to consult the City Solicitor, they will recess to discuss legal matters. If the applicant must leave, they can contact the Planning Office at 736-7196 to learn of the Board's decision. A formal notice of the decision will be mailed to the applicants. Approved variances expire after one year if the approved project has not commenced.

All public notice for the new application on this agenda was completed in accordance with code requirements. The meeting agenda was posted in accordance with Freedom of Information Act requirements.

Mrs. Townshend stated that Mr. Ede Ide was present on behalf of the applicant. The ordinance to address the height and the corridor overlay zone currently remains tabled at the City Council level. City Council has not acted on the ordinance and the applicant was notified of today's hearing and that the Board was interested in taking action.

Responding to Chairman Sheth's question whether the application was tabled by City Council, Mrs. Townshend replied yes.

Responding to Chairman Sheth's question whether the Board would like to discuss the application at the current time or wait until final decision has been made by City Council and to Colonel

Ericson's question if the Board decided one way or the other that the City Council decision would still supersede whatever the Board decides. Mr. Rodriguez replied that it would only affect the ordinance, and would not have anything to do with this particular case. The last time the Board wanted to take Final Action on the case it was indicated in the September meeting minutes that this would take place at the October 19, 2016 meeting. It was also mentioned that notice would be given to the applicant. The application was tabled by Mr. Keller's motion 4-0 and that is the current status.

OLD BUSINESS

Applicant #V-16-06

1310-1324 Forrest Avenue. Margaret H. Johnson has requested a variance from the requirements of *Zoning Ordinance* Article 3 §27.66 pertaining to the maximum allowed height of buildings located with the COZ-1 (Corridor Overlay Zone). Subject property is zoned C-2A (Limited Central Commercial Zone) and subject to the COZ-1. Tax Parcels are ED-05-076.10-01-01.00-000, ED-05-076.10-01-02.00-000, ED-05-076.10-01-03.00-000, ED-05-076.10-01-04.00-000, ED-05-076.10-01-04.01-000. The owner of record is Margaret H. Johnson.

At its meeting of June 15, 2016 the Board of Adjustment conducted a public hearing but deferred action. *There are no updates on application V-16-06 and it will continue to be deferred. City Council is considering a text amendment and this application will ultimately be decided or withdrawn depending on the path of the text amendment. The applicant has been notified that Final Action will be taken today.*

Exhibits for the Record: Staff report and plans previously submitted by the applicant. Legal Notice was published in the DSN - on October 9, 2016. The public was notified in accordance with regulations.

Representative: Mr. Edward H. Ide III, President of i3a Consulting Engineering Firm.

Mr. Edward H. Ide was sworn in by Mr. Rodriguez.

Mr. Ide testified that he was present on behalf of the owner Margaret H. Johnson to respectively ask that the application again be tabled. Previous discussions with the owner had been to await City Council's decision regarding revisions to the Corridor Overlay Zone. The last time he was present there was some discussion of perhaps compromising regarding the height of the building. The applicant is seeking a 4-story building and currently he has been unable to contact the owner to discuss whether or not he could make a decision today versus waiting on a decision from City Council. He was not in a great position to speak on behalf of the owner because he has not had the opportunity to talk with her prior to this morning. Again, he is asking that the application be tabled.

Responding to Chairman Sheth's question that the applicant was requesting that no decision be made today, Mr. Ide replied yes, that is correct. His fear is if the application is denied, the applicant would have to wait a year to be heard again.

Mr. Keller stated that last month three (3) options were discussed: withdrawal of the application, make an appearance and proceed with and abide by the results of the Board of Adjustment decision, or request a deferral which was not considered, but is certainly an option. It was discussed that in the event of a denial the applicant would be prevented from reappearing for a period of one year for the same application. A withdrawal would allow the applicant to reapply.

Mr. Ide stated if the correct method at this point for the applicant would be to withdraw the application then they would go with that option. There are many things to consider with the Exceptional Practical Difficulty that the owner faces and they are not sure of City Council's decision regarding the zone changes and his inability to get in contact with the owner in enough time to come up with an actual decision if the application was going to be heard today.

Responding to Chairman Sheth's question whether Mr. Ide was authorized to withdraw the application, Mr. Ide replied he would assume that he is authorized to withdraw the application.

Mr. Keller asked for confirmation of that process, and if in fact there was a withdrawal of the application, there would be nothing that would prevent the applicant from reappearing in a subsequent variance application. Mrs. Townshend replied that is correct.

Colonel Ericson stated that it would make sense that the Board should avoid a conflict between the Board of Adjustment and City Council. The Board of Adjustment should let City Council do their work and the Board will do their work.

Responding to Colonel Ericson's question whether the application should be withdrawn or tabled indefinitely. Mr. Rodriguez replied that withdrawing the application would be fine. A new application would need to be submitted and there would be no penalty of a year.

Mr. Ide stated that if it is unlikely that the application would be tabled for another month then he would respectively request that the application be withdrawn.

Mr. Keller moved to accept the applicant's request to withdraw application V-16-06. The motion was seconded by Colonel Ericson and unanimously carried 4-0. Mr. Senato was absent.

NEW BUSINESS

Applicant #V-16-13

640 South Governors Avenue. William F. Holden, Sr. and Carolie C. Holden on behalf of Holden Leasing LLC has requested a variance from the requirements of Article 5 §4.7 of the *Zoning Ordinance* pertaining to the number of permitted wall signs for property located on an Urban Minor Arterial in order to allow the installation of a wall sign on the south side of the building. Subject property is zoned C-3 (Service Commercial Zone). Tax Parcel: ED-05-077.13-01-40.00-000. The owner of record Holden Leasing LLC.

Exhibits for the Record: Staff Report and plans submitted by the applicant. Legal Notice was published in the Delaware State News – on October 9, 2016. The public was notified in accordance with regulations.

Mr. Cook gave a brief overview of the application.

Representative: Mr. William F. Holden Sr., Holden Dodge

Mr. William F. Holden Sr. was sworn in by Mr. Rodriguez.

Mr. Holden testified that the application was pretty much self-explanatory. The building and business has been located at this address since 1945. In the past it has had more square footage of signage than what exists today. When remodeling was done in 2009-2011 sign area was taken down than what they put back up. The business had no real desire to put the proposed signage back up until the business sought certification as an express lane dealer (faster service for oil changes, tire rotation, etc.) and that is one of the requirements. In order to comply with program requirements, they first need the sign. Second, the business needs the sign as a marketing tool to inform the public that express lane service is available at this location. His son photographed the surrounding area in great detail. It is a mixed use area and the business next door is grandfathered legal nonconforming with multiple signs on the front and back. The business feels that the sign will be in good taste same as the existing signs. He would respectfully request approval of the variance.

Responding to Chairman Sheth's question whether the requirement was part of Chrysler franchise, Mr. Holden replied that it was required as part of the service agreement. You do not have to be an express lane dealer, but it is financially beneficial for them to be one. As stated in in the application it could amount to additional revenue of up to $6000 per month just in this one area of their business. Since they are not on the main thoroughfare the business needs every aspect of the business that is available to them. Mr. Holden stated it would behoove them to be an express lane dealer, and in order to be one they are required to have this sign.

Referencing Exhibit B, a photo rendering of the proposed signage, Mr. Keller asked about the small white sign to the left of the express lane sign. Mr. Holden replied that the City treated that sign as a campus sign which directs the customer to a reception and waiting area. Mr. Keller also asked about the sign at the bottom and asked if it was a directional indicator, Mr. Holden replied yes it was a directional indicator and not a marketing sign.

Mr. Cook stated that the sign is permitted and was considered a directional sign previously, although it would not meet exactly meet our directional sign definition today, but it is just to identify that door (service/parts and body shop).

Chairman Sheth opened the public hearing.

Chairman Sheth closed the public hearing after seeing no one wishing to speak.

Chairman Sheth questioned if there was any member present who had a conflict of interest and there was none.

Chairman Sheth questioned if there was any additional correspondence for the record. There was none.

Mr. Hufnal moved to approve application V-16-13 based upon the testimony given today by the applicant and based on the excellent Staff Report. Both signs are in character with the use of the automobile dealership property. It is not out of character with the numerous types of signage found on the surrounding properties. While the number of signs did exceed the permitted amount as stated by Mr. Cook, the sign is less than 5% of the wall area and less than 15% allowed in the Zoning Ordinance. The motion was seconded by Colonel Ericson and was unanimously carried 4-0. Mr. Senato was absent.

Applicant #V-16-14

277-293 N DuPont Highway. Cellco Partnership dba Verizon Wireless has applied to the Board of Adjustment for a variance from the requirements of Article 4 §4.15 of the *Zoning Ordinance* pertaining to maximum permitted building height in order to allow construction of a 125 foot telecommunications monopole and associated facilities. Subject property is zoned SC-2 (Community Shopping Center Zone). Tax Parcel: ED-05-068.14-01-03.01-000. The owner of record is MDR Dover, LP.

Exhibits for the Record: Staff Report and plans submitted by the applicant. Legal Notice was published in the Delaware State News – on October 9, 2016. The public was notified in accordance with regulations.

Mr. Cook gave a brief overview of the application.

Responding to Colonel Ericson's question regarding a memo from 1999 whether it was written by Mr. Rodriguez that stipulates that federal laws supersedes local Zoning Ordinance when it comes to the height of the pole, Mr. Cook replied no. It was an internal memo that was written by former Planning Director Mr. Anthony DePrima giving guidance on how the city interprets the zoning code in terms of where cell towers are allowed. It states that cell towers are considered buildings under the definition in the Zoning Ordinance, subject to the zoning regulations for zoning district where they are being constructed, and must comply with height requirements of that zone or apply for a variance for height. The memo also gives guidance on the Site Development Plan approval process as to whether it can be done administratively or if it has to go before the Planning Commission, based on the amount of site disturbance. Cell towers within residential districts would be required to be a Conditional Use through the Planning Commission.

Responding to Colonel Ericson's question if he had Mr. Rodriguez letter on file, Mr. Cook questioned whether it was for one of the previous cases, Colonel Ericson replied yes, roughly six years ago and suggested that Mr. Cook obtain a copy for guidance on legal perspectives of what is being faced and what should be considered.

Mr. Rodriguez stated that the Board was okay with the application and with Mr. Cook's overview of the application. He stated that it was a very good presentation by Mr. Cook.

Representative: Mr. Jonathan Jordan, Attorney on behalf of Verizon Wireless.

Mr. Jordan mentioned that Verizon did something that he had never seen before, particularly since they do not know of any opposition to this project, but Mr. Dugan, the radio frequency consultant working with Verizon Wireless internal radio frequency department, in preparing for this hearing and reports to justify the height of the tower, discovered that they could actually drop the height by approximately 20 feet. Today they are presenting for a tower that is approximately 101 feet tall with a 4-foot lighting rod. They drilled down to the minimum height that they could live with on this site.

Exhibits

1. A letter from the land owner authorizing them to proceed with the application.
2. FCC licenses held by Verizon Wireless.
3. Curriculum detailed by Paul Dugan.
4. Radiofrequency Design of Proposed Communications Facility
5. RF Safety FCC Compliance of Proposed Communications Facility
6. Non-Interference Certification of Proposed Communications Facility
7. FAA Screening Certification of Proposed Communications Facility
8. Proposed Cell Tower

Mr. Paul Dugan was sworn in by Mr. Rodriguez.

Mr. Jordan mentioned that the radio frequency report prepared by Mr. Dugan talks about the site selection process, why it is needed in this particular location at the requested height.

Mr. Dugan stated that the radio frequency design report explains the objectives of the proposed facility, the reason Verizon Wireless needs the facility at this particular location, and the height. The challenges for the radio frequency engineers is to keep up with the on-going demand for service in their service areas. In dense areas, Verizon needs more facilities of lower height in contrast to rural areas where there are fewer towers, but much taller structures in order to serve the subscriber base. The proposed area is a central eastern section of the City of Dover which is east of Silver Lake. It will serve in the dense commercial area of Route 13 and Route 1. It will also provide the residential areas with improved in-building coverage. In order to provide good in-building coverage you will need to have sufficient signals to penetrate walls not only for the homes, but also for commercial buildings.

Questions/Answers

Mr. Jordan – How did you pick this particular spot?

Mr. Dugan – radio frequency engineers use a number of tools to determine where facilities are needed. They look at usages on the existing sites, coverage maps to determine existing service, and optimize existing facilities with antenna upgrades. This particular location was established as a target area in order for a new facility to be introduced to provide better service for subscribers.

Mr. Jordan – Are you looking for a particular zone of coverage and was this site in that particular zone?

Mr. Dugan – That is correct. This location is particularly suited to fulfill Verizon objectives for improved coverage and capacity relief.

Mr. Jordan – Why did you not locate on the west side of Route 13?

Mr. Dugan – (Referring to the map) all of the existing Verizon sites on the east side of town are between Route 13 and Route 1 for a reason. The only exception is the water tank to the south is on the west side. You have better traffic distribution utilizing the three (3) sectors, improving capacity if you are between these heavily traveled roads. Being on the west side of Route 13 would not have the reach to Route 1 as you have on the east side of Route 13.

Chairman Sheth – Would this have anything to do with the Firefly Festival or Nascar Race?

Mr. Jordan – The activities increase traffic demand.

Mr. Dugan – Verizon Wireless has put cell on wheels (temporarily facilities) just to keep up with some of the demand for some of the events.

Mr. Jordan – Needing to be on the east side of Route 13 is there only one property that covers the target zone?

Mr. Dugan – There is a large commercial property in the target area and he was not sure if that was the only property within the target area, but this is a suitable location.

Mr. Jordan – Regarding the maximum height that could be used without coming before the Board of Adjustment, please explain why 75 feet does not work in this location?

Mr. Dugan – The shorter the height the less the reach and coverage you will get from the site. Not only will it be less coverage, but also less in-building penetration in the proximity. There would also be less traffic relief provided to other facilities. There is a balance between getting the height that just meets objectives, but not too much. If there is too much height it is just as detrimental as not enough height because unnecessary interference is generated. Verizon Wireless was originally seeking a 121-foot monopole with a lightning rod to a total of 125 feet. He worked with the internal radio frequency engineer to establish the minimum. Seventy-Five feet (75 feet) is a bit too short to meet objectives. He was able to convince them that they could compromise the height a little to an approximate one-hundred-foot structure which would be the minimum for service objectives.

Mr. Dugan – briefly discussed the safety evaluation of the proposed facility. The property will comply with FCC exposure limits and guidelines for human exposure to radio frequency and electromagnetic fields. Nowhere in the vicinity of the structure will you approach one percent. There are several hundreds of antennas below that are considered safe levels in the electromagnetic fields.

Mr. Jordan – The testimony states that the site will comply with the FCC standards for electromagnetic safety?

Mr. Dugan – yes, by a significant margin.

Mr. Jordan – Could you discuss the Non-Interference Certification.

Mr. Dugan – The report discusses how the facility coexists in the community with no interference to other wireless service providers and other radio systems in the environment, whether wi-fi, residential, police, fire, EMS or anything that exists in the community. This facility will not generate any harmful interference with those systems. The antennas are elevated away from the other antennas in the environment, which are lower powered and have their own frequencies and would not generate any interference.

Mr. Jordan – Could you discuss the FAA screening.

Mr. Dugan – Whenever Verizon Wireless seeks to build a new structure or modify the height of an existing structure, engineers are asked to perform an FAA screening to determine if it meets the requirements to be filed with the FAA. There are two (2) on-line tools they use to make that determination: (1) Towair which has determined that the structure height does not meet the criteria to require filing with the FAA. The closest facility is Dover Air Force Base and it outlines the proximity of the runways, but it does not penetrate the slope test. (2) FAA Notice Criteria states that the proposed structure height meets the criteria to require filing with the FAA. However, he does not anticipate that it would require any lighting. It certainly will not be a problem at 100-feet based on the proximity and the height of the structure. It meets the criteria to be filed with the FAA, but he does not anticipate any hazard to air navigation. Determination will be issued by the FAA.

Mr. Jordan – Summarizing the testimony he questioned whether the 101-foot tower with a 4-foot lighting rod is the minimum height necessary to provide reliable coverage and service to the territory that is being served by this proposed based station?

Mr. Dugan – replied yes.

Mr. Jordan – Questioned whether the Board had any questions for Mr. Dugan?

Colonel Ericson – Asked if he could explain the red dot on the FAA drawing and if the red dot signified the tower location?

Mr. Dugan - yes, the red dot is where the proposed structure is located. The zones that are shown are not actual runways, they are approach fields.

Colonel Ericson stated that the approach fields are safety zones that should not have high structures.

Mr. Dugan stated that if they are in that zone it does not mean that there is a problem, it just means that it requires filing with the FAA. The FAA wants to know that those structures exist.

Mrs. Townshend stated that they are outside of the Airport Environment Overlay Zone (AEOZ) and the Accident Potential Zone.

Colonel Ericson- Questioned if the blue lines on the drawings represent the runways at Dover Airforce Base?

Mrs. Townshend – They did not know what is on the exhibits. She questioned geographically where is this?

Mr. Dugan – He believed that the blue lines represent the Dover Air Force Base.

Colonel Ericson – Questioned if this was a zoned area where you cannot put the tower (AICUS)?

Mrs. Townshend – This property is outside of such zone.

Mr. Jordan stated that he received a letter of no objection from Dover Air Force Base when the tower was proposed at 125-feet.

Mr. Hufnal – Regarding the height reduction to 105 feet from 125 feet, would new technology increase future towers, and would they be 105 feet also?

Mr. Dugan- Verizon will never seek additional height at this location. If anything, the antennas height could be reduced in the future. At the current time this is the minimum height that Verizon needs to service the subscriber base.

Mr. Hufnal – The Board approved a greater height in the past to cover the colleges north of Dover and Dover International Speedway for increased traffic (west of Route 13 and north of the speedway).

Mrs. Townshend – Questioned if it was at the toll plaza?

Mr. Hufnal – replied no, it was on College Road.

Mrs. Townshend stated that a tower was also approved by the Board near the toll plaza.

Mr. Jordan stated that in order to put the antennas at 100-feet which is what Mr. Dugan needs, they need 108-foot pole including the lightning rod. (To Mr. Dugan) Was the 100-feet antenna height determined on a site by site basis based on surrounding tree height, building height, and distance to the nearest antenna?

Mr. Dugan – Absolutely, there are countless considerations to determine the height necessary to serve every location because each one is different in terms of demographics, buildings, vegetation, how much traffic, proximity to other facilities that are currently being served, etc. This is a building block to the existing facilities that are currently serving those subscribers.

Mr. Keller – Questioned whether Mr. Dugan was called upon for radio frequency evaluations for

other sites that are given consideration before selection, or do you somewhat whittle down a site before you are called upon to give your radio frequency engineering evaluations.

Mr. Dugan – Before he is called upon to perform his independent evaluation, the site candidates are evaluated by Verizon Wireless internal radio frequency engineer. They determine the suitability and evaluate each location independently to determine if it meets objectives such as the location, height, and whether they have to build new structure or use an existing structure. They prefer not to build a new structure if it is not necessary.

Mr. Jordan stated that besides the radio frequency adequacy of a site there is also the question of would the landlord even rent the property. In the case of this particular shopping center, the location was in the center of the target area. Some other properties nearby, besides not having radio frequency suitability would still have the 75-foot height limitation of the zoning.

Colonel Ericson – If you had another cell phone company such as AT&T and Sprint that would need more coverage could they lease or rent Verizon's tower, do you work together, or would they need to have their own?

Mr. Jordan – Yes, if we did not extend that courtesy to the others then they would not extend it to us. If AT&T wants to come to the Board and build a tower near this tower, the Board may ask did AT&T talk to Verizon about being on their tower. It has always been the case that Verizon shares the tower if possible.

Mr. Keller – Upon completion of the project is there any system of security around those sites?

Mr. Jordan - They have remote sensors and Mr. Nagorny can elaborate on it more.

Mr. W. Jeffrey Nagorny, P.E. was sworn in by Mr. Rodriguez.

Mr. Nagorny testified that the site is pretty good and this is a fenced compound. All the major telecom carriers monitor these sites remotely 24/7. They have GPS antennas that are installed within the compound in their operation centers. If there is a power outage, a piece of equipment that is not functionally properly or something breaks down they are going to see it and depending on the severity of that particular incident they can dispatch technicians to the site either the next business day or immediately if it so requires.

Questions/Answers

Mr. Keller – How about intrusions, sabotage, damage to the LP tanks, generators, monopole, etc.

Mr. Nagorny – We have a compound fence and at this point he is not aware of any of the carriers that he works for that actually include a video screen with their monitoring, but that is one of the reasons that we would have the fence around the compound. This would be similar to any other commercial facility that may have a generator or above ground tank. The tanks are certainly built to withstand at least what most folks might bring against them. Someone might come in with high power armor penetrating rifle he does not know if there is much they can do. The

technicians visit the sites on average once a month.

Colonel Ericson: When the site review was done was there any other towers by cell phone vendors that would have met your needs if you had put your equipment on their tower.

Mr. Nagorny – He cannot answer that question, but Mr. John Herriott who is the site acquisition manager from our firm who helped with the initial screening can answer the question.

Mr. Nagorny – All the major carriers have master lease agreements among each other. Those legal documents are already in place. As stated by Mr. Jordan it makes business sense if a carrier has room on a tower and can lease the space and generate revenue. Some jurisdictions have provisions written in their telecom ordinance that require commercial cell tower builders and carriers to offer that possibility. The only instance that he is aware of where collocating was not available was a county-owned tower in Pennsylvania. The tower was for emergency services and they did not want as a rule to allow other persons (commercial carriers) to connect. Commercial carriers share towers on a regular basis. The sharing of towers can be seen as you drive. There are very few towers that have only one set of antennas. Usually there are two, three, or five different platforms on the tower.

Mr. Jordan – There was a question about other structures such as a water tower that Verizon Wireless is already on, are there any other tall structures where we can collocate? When Mr. Dugan was speaking about the west side of the highway they had evaluated the Luther Towers building. None of the properties on that side of the road met their criteria for radio frequency sufficiency.

Mr. John R. Herriott was sworn in by Mr. Rodriguez.

Mr. Herriott testified that they considered other locations in the area and the closest structure to the subject property was Luther Towers at 70-feet. The tower was outlined on the exhibit. There is a private water tank south of Luther Towers on Route 13 that is too close to an existing Verizon Wireless water tank site. To the southeast there is a City of Dover water tank that he believes is too far away from the site. The City of Dover has not allowed additional carriers to be on the water tank.

Mr. Jordan – Do you generally see governments who decide not to lease space on water tanks?

Mr. Herriott – yes, it is 50/50. More of the larger utilities do not want the antennas on the tanks anymore because there is too much hassle and additional work and expense when they need paint the tanks and when the carriers need to do maintenance.

Mr. Jordan stated that this concludes the initial presentation and move exhibits 1-9 into the record.

Mr. Keller – Where is the connection for access or construction vehicle access on Z-1 to the site?

Mr. Nagorny – There is actually a paved parking lot with parking spaces on the east side near the

edge of the grass. It was probably not shown on the exhibit.

Mr. Keller – Noted that it was not shown and the only thing that was shaded that gave appearance to as to a paved way was an existing water easement.

Chairman Sheth opened the public hearing.

Ms. Ronda Oden was sworn in by Mr. Rodriguez.

Ms. Oden testified that she lives in the neighborhood on Frear Drive and the back of their house faces the back of AC Moore. She can appreciate all the work that has been done by the City of Dover Staff in preparation for the zoning application. She is definitely not against progress and this is not a "in her back yard issue", although the tower is almost in her back yard. She understands that this type of technology is needed. She and her family have concerns regarding transparency when it comes to Verizon. She was also concerned about health and safety of the neighborhood as well as construction and permits. She questioned the safety when the other companies utilize their cell phone towers does it change the radio frequency?

Chairman Sheth informed Ms. Oden that she could express her concerns regarding construction at the Planning Commission meeting.

Mr. Jordan replied that every other carrier that comes in would need as their permitting process to come up with a report like Mr. Dugan and the information he gave previously. Mr. Dugan also testified that Verizon was already a fraction 1/100 of the maximum usage. Usually when you put in antennas close to 100-feet no human being gets close enough to those antennas to be affected. As a matter of fact, carrying a cell phone in your pocket has more exposure than living near a cell tower.

Mr. Dugan agreed with Mr. Jordan and also mentioned that when you are substantially below 1% of what is established as a safety standard adding additional carriers that are elevated above the ground even if they are mounted between 60-100 feet will introduce low level signals, but will have no detrimental impact to the neighborhood or persons that exist in proximity to the antennas.

Colonel Ericson mentioned that Ms. Oden seemed to be concerned about transparency. Could she be provided a copy of the study that was given to the Board so that she can better understand all of the work that has been put into the report and how you came to the conclusion.

Mr. Dugan replied certainly he could provide Ms. Oden with a copy.

Ms. Oden also questioned the cell phone towers being on the east side of the site and the vegetation.

Chairman Sheth replied that the question was previously answer that the best place was selected and it will be approved if it meets city requirements and all procedures were followed.

Mr. Cook stated that when the process goes through the Planning Commission there is a landscaping requirement, but since the project has not been submitted for that process yet, that would be addressed at the time of the Planning Commission application.

Colonel Ericson suggested and asked Mr. Dugan that if many people are worried about transparency if he could talk and answer questions with Ms. Oden after the meeting.

Chairman Sheth closed the public hearing after seeing no one else wishing to speak.

Chairman Sheth questioned if there was any additional correspondence for the record. There was none.

Mr. Cook stated that he and Ms. Oden had a conversation on Monday, October 17, 2016. She had similar questions that she proposed today at the hearing. In the conversation they discussed the process and today's meeting and what the discussion would involve.

Chairman Sheth stated that he received a letter but that was not a conflict with the Board of Adjustment.

Responding to Mr. Keller's request for clarification that the maximum height was 108 feet including the lightning rod opposed to the 125 feet that was on the application, Mr. Nagorny replied yes, the radiation center for the antennas that Verizon wanted was 100 feet. That is basically the actual middle of the antenna. With the lightning rod it would be 108 feet and without the lightning rod it would be 104-feet. Therefore, a 104-foot tower with a 4-foot lightning rod for a total of 108 feet.

Chairman Sheth questioned if there was any member present who had a conflict of interest and there was none.

Colonel Ericson moved to approve the area variance application V-16-14 noting that the requested height has been reduced by Verizon Wireless from 125-feet to 108-feet and based upon the testimony given and the documents provided. The motion was seconded by Mr. Keller and unanimously carried 4-0. Mr. Senato was absent.

Colonel Ericson moved to adjourn the meeting, seconded by Mr. Hufnal and unanimously carried 4-0. Mr. Senato was absent.

Meeting adjourned at 10:26 A.M.

Sincerely,

Maretta Savage-Purnell
Secretary